

REMARKS

Claims 1-15, 38 and 40-42 remain pending. Independent claims 1 and 38 have been amended to more succinctly claim the invention. Reconsideration of the application is respectfully requested.

Claims 1-10, 15, 38 and 40-42 were rejected under 35 U.S.C. § 103(a) as obvious over Duffy et al (U.S. Publication No. 6,086,611) in view of Jervis (USPN 5,067,957). In the 'Response to Arguments', the Examiner noted that the previous arguments were not persuasive and asserted that a stent has many axes "from which to choose" while the claims do not require that the axis that is the absolute center of the cylinder be the longitudinal axis. Additionally, the Examiner asserted that the 'aligned **along** the axis' claim language was not sufficiently limiting. Applicants' respectfully traverse and submit that in accordance with the dictionary definition of an axis ("a line about which an object is symmetric"), a cylinder only has a single longitudinal axis which is in fact located at its "absolute center." Notwithstanding the fact that the applicants believe the original claim language to be unambiguous, the independent claims have now been amended to address the Examiner's concerns.

Accordingly, while the Examiner asserts that the rings of the various sections are aligned along "a" common axis, they are clearly not aligned about the **central** longitudinal axis. The described stent has a bifurcated structure wherein each of the two distal sections as well as the central section have rings that are arranged about two axes which are necessarily offset relative to the axis of the proximal section. While the Examiner ignores both the peaks and the axis of one of the two distal section branches, the fact that the central section has rings that are arranged about two axes cannot reasonably be ignored while including the peaks of both branches in the peak count. The rings of the central section are therefore not arranged about a common axis, let along the same **central** longitudinal axis about which the rings of the proximal section are arranged. It is respectfully submitted that the claimed configuration comprises a very different device for treating a bifurcation and obviousness is thereby avoided.

Furthermore, it is respectfully submitted that cited reference fails to address the problem of configuring a self-expanding stent for use at a **bifurcation**. While the secondary reference describes medical devices made of stress induced martensite alloy, the **bifurcated** stent of the primary reference would nonetheless require maintaining both branches in an unexpanded state during insertion into the vascular bifurcation. No teaching is offered how a **bifurcated** configuration could first be constrained in an unexpanded state during positioning in a bifurcation and then released to assume its expanded state while **in a bifurcation**. The present invention addresses and solves the problem associated with a bifurcated self-expanding structure with a stent configuration wherein all of its expanding rings are arranged about a common central axis. It is respectfully submitted that obviousness is therefore effectively avoided.

Claims 11-14 were rejected under 35 U.S.C. § 103(a) as obvious over Duffy et al in view of Jervis (USPN 5,067,957) and further in view of Guruwaiya (U.S. Patent No. 6,251,136). In light of the non-obviousness of the underlying independent claim 1 as was argued above, it is respectfully submitted that all claims depending therefrom similarly avoid obviousness.

In light of the above amendments and remarks, applicants earnestly believe the application to be in condition for allowance and respectfully request that it be passed to issue.

The commissioner is authorized to charge any deficiencies in fees or credit any overpayments to our Deposit Account No. 06-2425.

Respectfully submitted,

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